

UTAH COUNTY PLANNING COMMISSION

**Minutes
May 16, 2017**

Present: Thomas Liddle, Chair
Robert McMullin
Blaine Thatcher
Judi Pickell
Nathan Allred

Excused: Karen McCandless
Vern Keeslar

Bryce Armstrong, Associate Director, Community Development
Robert Moore, Deputy County Attorney
Joshua Ivie, Secretary

OTHERS PRESENT: Peggy Kelsey, Brandon Larsen, Robert May, Utah County Community Development; Glen Tanner, Utah County Public Works; Chris Cowden, Jake Barney, Shelsey Barney, Melvin Luthy, Robert Stevens, Landon Ramsay, Jay Thomas, Shannon Ellsworth.

The meeting was called to order at 5:30 PM by Thomas Liddle, Chair of the Utah County Planning Commission at 100 E Center St, Room 1400, of the Utah County Administration Building, located in Provo, Utah. Robert McMullin led the assembled body in the Pledge of Allegiance.

APPROVAL OF MINUTES

Motion: Robert McMullin

Second: Nathan Allred

Motion to **approve** the minutes of the April 18, 2017 meeting of the Utah County Planning Commission.

The motion passed by the following vote: "Aye", Thomas Liddle, Robert McMullin, Blaine Thatcher, Judi Pickell, Nathan Allred; "Nay", none.

LARGE SCALE DEVELOPMENT

J L.C. - Proposed Lincoln Beach Estates, Plat "A," seven (7) lots in the Residential Agricultural (RA-5) Zone, Section 9, T8S, R1E, located at approximately 5400 South Lincoln Beach Road, approximately 1.75-miles southwest of Lincoln Point, Utah County

Brandon Larsen introduced the application, explaining that the proposed subdivision contained seven lots. Larsen then described the location, noting that the encompassed property was under 38 acres. Larsen noted that the subject property is currently used for agriculture. Larsen explained that the applicant has gone through the subdivision process and intends to establish dwelling sites, and noted that each one of seven lots would requires 5 acres. Larsen then indicated that the water source to each lot will be a well, and that the applicants have sufficient water rights and will irrigate out of their well. Larsen then indicated that all of the subject land is encumbered by an agricultural restriction. Larsen then suggested that the applicant has submitted an application that appears to meet requirements of

the Utah County Land Use Ordinance (UCLUO). Larsen also noted that the area is notorious for water quality issues, and indicated that the applicant has worked with the Health Department and has gone through that process for approval. Larsen added that issues regarding water quality will be addressed at the building permit phase, and indicated that each lot will be required to have a treatment and filtration system. Larsen then indicated that Staff would recommend approval of the application.

Thomas Liddle asked about which road the property has frontage on. Larsen indicated that it had frontage along Lincoln Beach road.

Robert McMullin indicated that he had contacted Larsen with questions about water quality, and explained that he has orchards that are located to the east of the subject property. McMullin explained that when he attempted to drill two wells in the water, he was unable to get decent water, as the water was too hot. McMullin then raised concerns over the applicant's ability to irrigate the lots from their well. Larsen explained that the applicant had submitted an irrigation plan, and that this plan had been reviewed by the County Engineer and was found to be sufficient. Larsen added that water quality has not been a requirement for irrigation.

Judi Pickell then asked McMullin how he irrigated his property.

Robert McMullin indicated that they had initially pumped water out of the lake, but that water started to kill their crops. McMullin then indicated that a three mile pipeline to get water from an irrigation company had been installed. McMullin added that his orchards are part of an agriculture protection area.

Brandon Larsen noted that state code requires that a specific note is recorded on a plat when a subdivision is located next to an agriculture protection area.

Chris Cowden, applicant, addressed the Planning Commission. Cowden indicated that he had been working on this application for thirteen months, and that when he drilled his well, the water was cold. Cowden suggested that he has had a positive experience working through the process, and that he has used three engineering firms in order to make sure what he's doing is going to work.

Thomas Liddle asked Cowden what the temperature of his water was. Cowden indicated that it was between fifty and sixty degrees. Cowden then described the water pressure as "fascinating." Cowden then commented that Larsen has been very strict and "goes by the book," and that he appreciates that. Cowden then indicated that he had gone beyond the standards that were required.

Robert McMullin then asked if there was a different water quality standard for drinking water. Cowden indicated that the irrigation water would come through the well into a pressurized sprinkler system, and that there was also a reverse osmosis capability in place. Cowden indicated that there was plenty of water for each lot, and that he had been in business for thirty-seven years, and wanted to make sure that any development is 100% correct.

Motion: Nathan Allred

Second: Blaine Thatcher

Motion that the Planning Commission recommend **approval** of the seven (7) lot Lincoln Beach Estates Subdivision, Plat "A," to the Utah County Commission subject to the following conditions:

1. That the plat shall not be recorded until the developer has executed a subdivision improvement and warranty agreement, in the form approved by the County, and **(1)** the improvements are constructed and a *cash warranty bond* (in the amount of up to 10% of the lesser of the: (i.) original estimated cost of completion of the required improvements, as determined by the County Engineer, or (ii.) developer's reasonable proven cost of completion of the required improvements) is delivered to and approved by the County **or (2)** a *cash construction bond* in the amount of **\$243,766.11** (amount equal to 125% of the estimated cost of the required improvements, as determined by the County Engineer, to guarantee the installation of the required improvements without cost to Utah County) and a *cash warranty bond* (in the amount of up to 10% of the lesser of the: (i.) original estimated cost of completion of the required improvements, as determined by the County Engineer, or (ii.) developer's reasonable proven cost of completion of the required improvements) are delivered to and approved by the County;
2. That the property owner execute a subdivision improvement and warranty agreement, in the form approved by the County, prior to recording the plat and prior to any development activity;
3. That the Utah County Public Works inspection fee be paid prior to recording the plat;
4. That the required Declaration and Dedication of Water be signed by all owners of the water and the land, properly notarized, and recorded immediately after the plat to tie the required water to the proposed lots; and
5. That an affidavit be recorded, after the plat is recorded, to remove the agricultural use restriction, from the land included in Lincoln Beach Estates Subdivision, Plat "A," only, which agricultural use restriction was recorded against the subject property, as well as other properties, on March 6, 1998, with the Utah County Recorder's Office as Entry No. 21368. The other properties encumbered by the aforementioned agricultural use restriction shall remain encumbered.

The motion passed by the following vote: "Aye", Thomas Liddle, Blaine Thatcher, Judi Pickell, Nathan Allred; "Nay", none. Robert McMullin abstained.

Jacob D. & Shelsey Barney - Proposed Shelsey Acres Subdivision, Plat "A," two (2) lots in the Residential Agricultural (RA-5) Zone, Section 4, T8S, R2E, located at approximately 3200 West 4800 South in the Lake Shore area of Utah County

Brandon Larsen introduced the application, explaining that the proposal is for a two-lot subdivision in the Lake Shore area. Larsen indicated that the subject property contains under fourteen acres, and this application would allow for two lots and an agricultural remainder parcel would be established in connection with the application. Larsen explained that the subject property is located in a drainage district and that a small portion of the development has a drain through it and the plat includes an easement for the drain. Larsen explained that the drain doesn't have a lot of volume but that it is a

sizeable ditch, and that the ordinance required consideration of safety in relation to that. To meet that requirement, Larsen indicated, the applicants have proposed installing a fence.

Larsen then explained that there is an older, existing dwelling on property, and that this dwelling doesn't meet setback requirements as it lies too close to the road. Larsen then explained that the UCLUO allows for an existing home to stay where it is located if the County Engineer can determine that its location doesn't create a hazard to public safety. Larsen then indicated that another unique aspect of the application is that it doesn't lie in a hazard zone.

Larsen suggested that the applicants had given Staff a complete application for two lots, and that the lots would be serviced by wells and septic tanks. Larsen clarified that the applicants would flood irrigate the lot. Larsen then described some of the improvements the applicant would be required to make. Larsen then indicated that Staff would recommend approval of the application subject to findings and conditions.

There was some brief discussion on how the applicant obtained frontage. Larsen further described the road improvements the applicant would need to make and briefly described that process.

Brandon Larsen then indicated that a condition had accidentally been left off of the recommendations, and asked the Planning Commission to include, as a condition of approval, a condition that indicated that the subject property's greenbelt rollback taxes be paid prior to the recording of the plat.

Judi Pickell asked for clarification on what would happen to the part of the property encumbered by the agricultural remainder. Larsen explained that that area encompasses just over three acres and that the applicant would not be able to use the land for anything but agricultural use until the applicant can qualify for a zone change. Larsen indicated that this restriction could be removed through the subdivision process or annexation, and explained that this restrictive covenant would be recorded immediately after the plat was recorded.

Nathan Allred then asked for clarification on why the condition relative to rollback taxes needed to be included. Larsen then explained that the property owner obtains a tax break through greenbelt status, and that, at the time the property goes out of greenbelt, they have to pay five years' worth of rollback taxes, and that this must be paid before the plat is recorded.

Blaine Thatcher asked if there was a question as to whether the property was still under greenbelt status. Larsen indicated that he wasn't sure, but clarified that the condition relative to greenbelt rollback taxes was a standard condition included in subdivision applications.

Thomas Liddle asked if the applicants wanted to address the Planning Commission. They did not. Liddle then indicated that someone from the audience wanted to address the Planning Commission.

Robert Stevens, Provo resident, addressed the Planning Commission. Stevens suggested that a road dedication is very expensive and that it wasn't fair that the applicant had to pay rollback taxes after that.

Motion: Judi Pickell

Second: Robert McMullin

Motion that the Planning Commission recommend **approval** with Staff Findings of the two (2) lot Shelsey Acres Subdivision, Plat "A," to the Utah County Commission subject to the following conditions:

1. That the plat shall not be recorded until the developer has executed a subdivision improvement and warranty agreement, in the form approved by the County, and **(1)** the improvements are constructed and a *cash warranty bond* (in the amount of up to 10% of the lesser of the: (i.) original estimated cost of completion of the required improvements, as determined by the County Engineer, or (ii.) developer's reasonable proven cost of completion of the required improvements) is delivered to and approved by the County **or (2)** a *cash construction bond* in the amount of **\$30,722.58** (amount equal to 125% of the estimated cost of the required improvements, as determined by the County Engineer, to guarantee the installation of the required improvements without cost to Utah County) and a *cash warranty bond* (in the amount of up to 10% of the lesser of the: (i.) original estimated cost of completion of the required improvements, as determined by the County Engineer, or (ii.) developer's reasonable proven cost of completion of the required improvements) are delivered to and approved by the County;
2. That the Utah County Public Works inspection fee be paid prior to recording the plat;
3. That the required Declaration and Dedication of Water be signed by all owners of the water and the land, properly notarized, and recorded immediately after the plat to tie the required water to the proposed lot;
4. That the trustee of that certain trust deed, dated March 27, 2009, and recorded with the Utah County Recorder's Office on April 13, 2009, as Entry No. 39328;2009, sign the "Consent to Record Plat," as contained on the plat, prior to plat recordation; and
5. That a notice of agricultural use and restriction, as per the requirements of Section 3-44-B-2 of the Utah County Land Use Ordinance, be recorded against the portion of the land identified as tax parcel 24:013:0034 not included in development, which recording must occur immediately after the plat;
6. That greenbelt rollback taxes be paid on land dedicated to the County prior to recording the plat.

The motion passed by the following vote: "Aye", Thomas Liddle, Robert McMullin, Blaine Thatcher, Judi Pickell, Nathan Allred; "Nay", none.

Morris Jay Thomas, et al - Ramsay Powerhouse Subdivision, Plat "A," two (2) lots in the Rural Residential (RR-5) Zone, Section 32, T8S, R3E, located at approximately 1200 East Powerhouse Road in the Spanish Fork area of Utah County

Brandon Larsen introduced the application and described the location of the subject property. Larsen indicated that the subject property was comprised of twenty-two acres. Larsen then indicated that the applicant had begun construction of a home on the property. Larsen then described the layout of the proposed lots. Larsen noted that the RR-5 zone does allow for denser development, but indicated that Staff and the Planning Commission is not seeing that with this development. Larsen indicated that the zone allows for lesser lot width on the road that the subject property accesses. Larsen then described the location of an agricultural remainder on the property, and indicated that part of the north section of

the property was encumbered by the Flood Plain Overlay (FPO) zone, and that the applicant had included that property in the agricultural remainder in order to avoid having to work with the requirements of the FPO zone. Larsen noted that after the plat is approved, the agricultural restriction notice would be prepared.

Larsen suggested that the subject property qualifies for one dwelling site now, and that the subdivision process would only be adding one additional dwelling site. Larsen indicated that the lots contained over five acres of land and would be serviced by wells and septic tanks. Larsen added that the applicant would use sprinklers to irrigate property. Larsen then described the location of a canal on the property and suggested that there was plenty of irrigation water. Larsen then indicated that the application appears to be complete and that Staff would recommend approval of the application. Larsen noted that the applicant would have to make some improvements relative to drainage and utilities.

Robert McMullin asked if the applicant would need to obtain access to cross the canal. Larsen indicated that the applicant was required to create irrigation plans and have the canal company review them, and that the subdivision process didn't require the applicant to obtain permission to cross the canal as it was presumed that the applicant already had this permission.

Glen Tanner, Utah County Public Works, addressed McMullin's question. Tanner indicated that the applicant did have to obtain permission to cross the canal and that this permission had already been obtained.

Jay Thomas, applicant, addressed the Planning Commission. Thomas commented that it was nice to be able to have landowners to do what they want to with their property, and that he appreciates this. Thomas explained that this had been a long process, and that this process had taken over two years to complete. Thomas indicated that parts of the process had been frustrating, and asked for clarification on the condition relative to a bond he would need to post. Larsen clarified that the bond amount was based on a letter from the County Engineer that provided a cost estimates for the required improvements. Thomas then asked for clarification on what improvements needed to be made. Larsen indicated that Thomas would need to make drainage improvements and install survey monuments.

There was discussion between Tanner, Thomas, and Larsen, relative to the difference between a construction bond and a warrant bond and the purpose of each, and the improvements Thomas would have to make, and what Thomas would have to bond for. Larsen and Tanner briefly explained bonding requirements. Thomas indicated that he had already made a number of the required improvements, and Larsen suggested that if this is the case, Thomas would not have to post a cash construction bond, but he would definitely need to post a cash warranty bond.

Brandon Larsen added that the subject property is in greenbelt status, and that Thomas would have to pay the rollback taxes on the property. Thomas indicated that he already had.

Jay Thomas indicated that he had purchased the property because he had wanted two homes. Thomas indicated that the lots would be on two different water systems, and that a water line would be coming on to the property that would be installed under the county road. Thomas indicated that he wanted to make sure the property was irrigated.

Motion: Blaine Thatcher

Second: Robert McMullin

Motion that the Planning Commission recommend **approval** with Staff Findings of the two (2) lot Ramsay Powerhouse Subdivision, Plat "A," to the Utah County Commission subject to the following conditions:

1. That the plat shall not be recorded until the developer has executed a subdivision improvement and warranty agreement, in the form approved by the County, and **(1)** the improvements are constructed and a *cash warranty bond* (in the amount of up to 10% of the lesser of the: (i.) original estimated cost of completion of the required improvements, as determined by the County Engineer, or (ii.) developer's reasonable proven cost of completion of the required improvements) is delivered to and approved by the County **or (2)** a *cash construction bond* in the amount of **\$66,554.44** (amount equal to 125% of the estimated cost of the required improvements, as determined by the County Engineer, to guarantee the installation of the required improvements without cost to Utah County) and a *cash warranty bond* (in the amount of up to 10% of the lesser of the: (i.) original estimated cost of completion of the required improvements, as determined by the County Engineer, or (ii.) developer's reasonable proven cost of completion of the required improvements) are delivered to and approved by the County;
2. That greenbelt rollback taxes be paid on land dedicated to the County prior to recording the plat;
3. That the Utah County Public Works inspection fee be paid prior to recording the plat;
4. That the required Declaration and Dedication of Water be signed by all owners of the water and the land, properly notarized, and recorded immediately after the plat to tie the required water to the proposed lot;
5. That the trustee of that certain trust deed, dated December 8, 2011, and recorded with the Utah County Recorder's Office on March 14, 2012, as Entry No. 20720;2012, issue written consent, as approved by the Utah County Attorney's Office, for the recording of the Declaration and Dedication of Water for the subject development, prior to the recording of said Declaration and Dedication of Water;
6. That the trustee of that certain trust deed, dated January 20, 2017, and recorded with the Utah County Recorder's Office on February 2, 2017, as Entry No. 11145;2017, sign the "Consent to Record Plat," as contained on the plat, prior to plat recordation; and
7. That a notice of agricultural use and restriction, as per the requirements of Section 3-44-B-2 of the Utah County Land Use Ordinance, be recorded against the portion of the land identified as tax parcel 27:054:0016 not included in development, which recording must occur immediately after the plat.

The motion passed by the following vote: "Aye", Thomas Liddle, Robert McMullin, Blaine Thatcher, Judi Pickell, Nathan Allred; "Nay", none.

GENERAL PLAN AMENDMENT

Utah County Commission - Public hearing on recommendation of proposed amendment of the Utah County General Plan, 2014 to adopt a resource management plan for public lands in Utah County [Public Hearing]

Bryce Armstrong explained that the state changed mandated requirements recently that requires the inclusion of a Resource Management Plan (RMP) into a county's General Plan. Armstrong explained that this RMP addresses specific resources and how these resources related to federal public lands. Armstrong indicated that Utah County had been engaged in this process, and that the Planning Commission made a recommendation on final proposed RMP the month prior, and that statute requires the Planning Commission to hold a public hearing after the recommendation had been made. Armstrong indicated that all affected entities had been notified of this hearing.

Motion: Robert McMullin

Second: Blaine Thatcher

Motion to **open** the Resource Management Plan public hearing.

The motion passed by the following vote: "Aye", Thomas Liddle, Robert McMullin, Blaine Thatcher, Judi Pickell, Nathan Allred; "Nay", none.

Bryce Armstrong indicated that Shannon Ellsworth (from Rural Community Consultants) was present and could answer any questions the public may have.

Thomas Liddle asked if there were any audience members present who wished to speak on the matter of the RMP. There were none.

Motion: Nathan Allred

Second: Blaine Thatcher

Motion to **close** the Resource Management Plan public hearing.

The motion passed by the following vote: "Aye", Thomas Liddle, Robert McMullin, Blaine Thatcher, Judi Pickell, Nathan Allred; "Nay", none.

LAND USE ORDINANCE TEXT AMENDMENT

Utah County Planning Commission - Proposed amendment of Chapters 2, 3, 5, 6, and 7 of the Land Use Ordinance, related to the establishment of minor subdivisions; the definition and noticing of, and the procedures and requirements for, large scale developments; the definition of County Commission; the general provisions, application requirements, standards, and conditions for planned subdivisions; the powers and duties of the Planning Commission and County Commission; the Developmental Impact Statement Check List; and the definitions relative to the Transfer of Development Rights Sending Overlay Zone and Transfer of Development Rights Receiving Overlay Zone (referred from May 2, 2017 Utah County Commission meeting) [Public Hearing]

Bryce Armstrong indicated that the Planning Commission had heard this item and made a recommendation on it to the County Commission, and that the County Commission had spent several weeks discussing this text amendment with Staff. Armstrong indicated that the County Commission had decided to refer the item back to the Planning Commission with some proposed amendments.

Brandon Larsen indicated that the County Commission wanted to be the approval body for minor subdivisions, and that minor subdivisions would not have to go before the Planning Commission. Larsen

indicated that minor subdivisions would be noticed like other subdivision applications. Larsen noted that the proposed text amendment does eliminate Planning Commission deadlines for minor subdivisions. Larsen indicated that the subdivision requirements in Section 6-3 require certain technical issues to be decided by the County Commission. The original proposal was to allow those decisions to be made administratively by County Staff. The County Commission wants to be the decision maker on these matters. Larsen further clarified that the concerns over noticing requirements were addressed by way of having the minor subdivision applications be approved by way of the County Commission and that these applications would be noticed like any other subdivision application.

Larsen added that the County Commission had requested an additional change to the ordinance that would allow the County Commission to adopt, deny, or approve with appropriate modifications any recommendation sent to the County Commission from the Planning Commission.

Larsen added that an additional element of the proposed text amendment positioned Community Development Staff in more of a facilitator role, and would allow for Community Development's review process to begin earlier. Larsen then explained that, upon receipt of a minor subdivision application, Staff would submit the application to the various county departments who also review the application, with the goal of being able to provide the applicant with one list of review comments once these other departments had made their review. Larsen suggested that this is helpful to the applicant.

Robert Moore explained that this is a new process for the county, and that discussions with the County Commission about this began last December during a work session meeting. Moore suggested that the idea was that as this new process was implemented, it could be revised along the way to make improvements. Moore also clarified that the UCLUO is more restrictive than state code relative to the County Commission's ability to modify a Planning Commission recommendation, and that this proposed amendment is more in line with what is indicated in state code.

Thomas Liddle commented that, during the Planning Commission's review process of the original proposed amendment, there was some concern over who oversees these applications, and that this concern had been addressed.

Robert Moore added that the County Commission realizes that these applications are not subject to legislative decisions and that their ability to reject these applications is very limited.

Blaine Thatcher suggested that the proposed amendment would help streamline the process.

Robert McMullin asked who was designated as the "land use authority." Armstrong explained that, in this process, it would be the County Commission.

Nathan Allred commented that anything to cut red tape is a good thing.

Judi Pickell asked for clarification on the role of the Planning Commission. Armstrong explained that only minor subdivision applications would not come before the Planning Commission. Armstrong also explained that text amendments would still go to the Planning Commission for a recommendation and that the change to Section 7-24-C would make it so the County Commission could make changes to a text amendment at their meeting without having to send it back to the Planning Commission.

Motion: Blaine Thatcher

Second: Robert McMullin

Motion to **open** the public hearing portion of the meeting.

The motion passed by the following vote: “Aye”, Thomas Liddle, Robert McMullin, Blaine Thatcher, Judi Pickell, Nathan Allred; “Nay”, none.

Robert Stevens, Provo resident, addressed the Planning Commission. Stevens raised concern over the provision that prevented a developer from going through the subdivision process again for five years.

Bryce Armstrong clarified that this only applies to a minor subdivision application, and that an applicant can still go through the regular subdivision process at any time.

Blaine Thatcher suggested that the proposed amendment would streamline the process for all developments.

Robert Moore clarified that provision that limits going through the minor subdivision process for five years was to prevent landowners from getting around the requirements for larger developments, and that the minor subdivision process is meant to help the “mom and pop” developers. Moore added that Staff had initially proposed allowing for up to five lots to be approved through the minor subdivision process, but that the Planning Commission had decreased this number to two.

Robert Stevens then commented that he is in favor of speeding up the process, but raised concern over improvement costs.

Motion: Judi Pickell

Second: Blaine Thatcher

Motion to recommend **approval** to the County Commission with Staff Findings of the proposed amendment of Chapters 2, 3, 5, 6, and 7 of the Land Use Ordinance, related to the establishment of minor subdivisions; the definition and noticing of, and the procedures and requirements for, large scale developments; the definition of County Commission; the general provisions, application requirements, standards, and conditions for planned subdivisions; the powers and duties of the Planning Commission and County Commission; the Developmental Impact Statement Check List; and the definitions relative to the Transfer of Development Rights Sending Overlay Zone and Transfer of Development Rights Receiving Overlay Zone, due to the following:

1. That the proposed amendments appear to meet the criteria for approval, as per Sections 7-23-C and 7-25 of the Utah County Land Use Ordinance.

Utah County Planning Commission - Proposed Utah County Land Use Ordinance text amendment to Section 6-1 related to requirements for plat amendments [Public Hearing]

Brandon Larsen introduced the application. Larsen indicated that the proposal considers a requirement that would affect an applicable development that has an HOA and maintenance agreement, essentially requiring that a plat amendment would have to bind to original documents to the amendment. Larsen further explained that a proposed plat will be utilized according to existing covenants.

Nathan Allred asked if a property had to be part of the original plat. Larsen gave an example of a plat amendment that had issues with setbacks, wherein the setbacks of the plat were more restrictive. Larsen explained that it was important to have a clear paper trail showing the connection to the covenants and requirements, as well as to show that the property owner has to participate in the maintenance of the original development.

Brandon Larsen added that the Attorney's Office had requested that language be added to the proposed text amendment that clarified that "A note shall be included on the plat that gives notice of the restrictive covenant, required by this subsection of the Ordinance, and that explains the restrictive covenant has been recorded in the Utah County Recorder's Office." Larsen clarified that a note would be added to the plat that referenced a recorded document that a property owner could refer to.

Bryce Armstrong added that a property owner would hopefully catch this on the plat, and added that it was not practical to spell out all of the restrictions on the plat itself.

Blaine Thatcher asked if the documents would be located in a central place.

Bryce Armstrong indicated that the restrictive covenant would refer to the original recorded documents.

Robert Moore added that a title report would find the restrictive covenants.

Motion: Nathan Allred

Second: Blaine Thatcher

Motion that the Utah County Planning Commission recommend to the Utah County Commission **approval** with Staff Findings of the proposed amendment to Section 6-1, related to requirements for plat amendments, based on the following finding:

1. That the proposed amendment appears to meet the criteria for approval, as per Sections 7-23-C and 7-25 of the Utah County Land Use Ordinance.

The motion passed by the following vote: "Aye", Thomas Liddle, Robert McMullin, Blaine Thatcher, Judi Pickell, Nathan Allred; "Nay", none.

Utah County Commission - Proposed Utah County Land Use Ordinance text amendment to Section 5-11-H-2 related to exceptions to engineering certification requirements for certain structures built in the Flood Plain Overlay (FPO) Zone [Public Hearing]

Bryce Armstrong introduced the application. Armstrong commented that during the first part of this year, the Planning Commission had an applicant come before them to amend a section of the ordinance that related to the FPO zone. Armstrong indicated that, during that time, Staff had found some holes in that part of the ordinance. Armstrong indicated that Staff had been working with the State Flood Plain Coordinator and is looking at amending that entire section of the ordinance at some later date. Armstrong indicated, in the meantime, the County Commission wanted to address a section of ordinance related to what plans needed to be engineered with regard to structures located in the FPO zone. Armstrong indicated that the proposal contemplates an exception for the Zoning Administrator to

potentially waive a requirement for the engineered plans for an agricultural structure if plans were sufficient to meet requirements

Armstrong added that the main thing you have to do is a build an agricultural structure above base flood elevation and explained that the County Commission would like to see an exception for engineered plans for appropriate farm buildings, and continue to potentially allow for an exception for a residential structure.

Blaine Thatcher asked why the County Commission didn't want to limit certification to residential structures. Armstrong explained that there are different standards for different structures.

There was some brief discussion on required standards and as to keeping the language of the exception consistent with the language in the ordinance.

Landon Ramsay addressed the Planning Commission. (Note: Ramsay was involved with the "Ramsay Powerhouse Subdivision, Plat "A"" application heard earlier that night.) Ramsay commented that where his house is being constructed is located above the FPO zone and raised concerns over the FPO restrictions that apply to part of his property.

Bryce Armstrong clarified that any land use application has to meet the requirements of the UCLUO and that the building permit process is separate. Armstrong clarified that, at that point, the standards for the structure are relative to where the actual FPO zone is on the property, and if the home is located in that zone, it would have to meet those requirements. Ramsay then suggested that, in light of where the home is going to be located, it would not have to be built to FPO standards.

Brandon Larsen asked Ramsay if he would like to revise his application.

Jay Thomas addressed the Planning Commission. (Note: Thomas was involved with the "Ramsay Powerhouse Subdivision, Plat "A"" application heard earlier that night.) Thomas commented that he was required to carve that piece of property out, and that it is a piece of property that no one will ever build on. Thomas then suggested that if he were to change anything he would have to go back through the process.

Brandon Larsen suggested that Thomas would either have to revise his application or submit a plat amendment.

Bryce Armstrong acknowledged that there is a challenge in the current ordinance and that Staff is looking into closing these holes.

Blaine Thatcher commented that he hoped Staff would be able to counsel applicants in order to streamline the process and get everything done at once.

Motion: Judi Pickell

Second: Robert McMullin

Motion that the Utah County Planning Commission recommend **approval** with Staff Findings to the Utah County Commission of the proposed amendment to Section 5-11-H-2 of the Utah County Land

Use Ordinance related to exceptions to engineering certification requirements for certain structures built in the Flood Plain Overlay (FPO) Zone, subject to the findings listed below:

1. The application for land use ordinance amendment appears to meet the requirements of Sections 7-23-C and 7-25 of the Utah County Land Use Ordinance, which establishes the criteria for Planning Commission recommendation of approval to the County Commission for a land use ordinance amendment.
2. The application appears to provide agricultural operators relief from the added expense of engineered plans for agricultural structures that would appear to already be exempt from building code construction and engineering requirements.

The motion passed by the following vote: "Aye", Thomas Liddle, Robert McMullin, Blaine Thatcher, Judi Pickell, Nathan Allred; "Nay", none.

DEDICATION OF COUNTY ROAD

Robert J. Stevens - Proposed amendment of Sheets 12 and 13 of the Official Utah County Road Map for a proposed road(s) near 4400 West 7300 South, Section 30, T8S, R2E, Benjamin area of Utah County [Public Hearing]

Brandon Larsen explained that there needs to be further review of this application and that this application needs to be continued. Larsen presented Stevens' development plan, and briefly explained Stevens' development. Larsen indicated that Stevens' was proposing to dedicate a road (part class B and part class D) to the county, and that the Class B portion would be sufficient to provide access for dwelling sites. Larsen added that one of the challenges Stevens faces is that he cannot obtain access from UDOT for all of his lots, and that this complicates his development plan. Larsen added that Stevens' application is currently being reviewed by Staff and the County Engineer.

Robert Stevens, applicant, addressed the Planning Commission. Stevens indicated that he already had brought in fill material on the site, and described how the south side of the property goes over a ditch.

Thomas Liddle asked for clarification on the ditch. Stevens indicated that he had installed half a mile of cement irrigation ditches, and briefly discussed access. Liddle commented that his road design was similar to a development located in West Mountain.

Robert Stevens then raised concern that his development may block his neighbors access to their properties and asked if he could present alternative road design sketches to the Planning Commission. Liddle suggested that Stevens needed to bring this to Staff and that it may be improper for the Planning Commission to consider the sketches at this time. Stevens commented that he's tried to show his sketches to the neighboring property owners in that area and that he doesn't get any responses. Liddle reiterated that he didn't feel qualified to discuss the alternate designs of the road.

Nathan Allred commented that he didn't care what Stevens did with the land, and that at the end of the day, the Planning Commission is there to make sure he follows the UCLUO.

Robert Stevens commented that he would like to get approval of his concepts as soon as possible.

There was some brief discussion over the continuance of Stevens' application.

Motion: Blaine Thatcher

Second: Nathan Allred

Motion to continue the proposed amendment of Sheets 12 and 13 of the Official Utah County Road Map for a proposed road(s) near 4400 West 7300 South, Section 30, T8S, R2E, Benjamin area of Utah County to the June 20, 2017 meeting of the Utah County Planning Commission.

The motion passed by the following vote: "Aye", Thomas Liddle, Robert McMullin, Blaine Thatcher, Judi Pickell, Nathan Allred; "Nay", none.

Motion: Nathan Allred

Second: Blaine Thatcher

Motion to **close** the public hearing portion of the meeting.

The motion passed by the following vote: "Aye", Thomas Liddle, Robert McMullin, Blaine Thatcher, Judi Pickell, Nathan Allred; "Nay", none.

MOTION TO ADJOURN

Motion: Robert McMullin

Second: Judi Pickell

Motion to **adjourn**. The motion passed by the following vote: "Aye", Thomas Liddle, Robert McMullin, Blaine Thatcher, Judi Pickell, Nathan Allred; "Nay", none.

The meeting adjourned at 7:23 PM.

Minutes respectfully submitted by:

APPROVED BY:

Joshua Ivie, Secretary

THOMAS LIDDLE, CHAIR